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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

AUG 17 2004

at 10 o'clock and 25 min. AM.
 WALTER A.Y.H. CHINN, CLERK

Attorneys for Plaintiff
 UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00025 HG
)	
Plaintiff,)	THIRD SUPERSEDING
)	INDICTMENT
v.)	
DWAYNE GOUVEIA,	(01)	[21 U.S.C. §§ 841(a)(1),
GREGORY TROUT,	(03)	841(b)(1)(A), and 846]
and)	
YOLANDA GUITTEREZ,	(04)	
)	
Defendants.)	
)	

THIRD SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges:

On or about January 7, 2004, in the District of Hawaii and elsewhere, DWAYNE GOUVEIA, knowingly and intentionally attempted to possess with the intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its

isomers, to wit, 1,299 grams of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 2

The Grand Jury further charges:

From a date unknown, but in or about October 2003, to on or about January 7, 2004, in the District of Hawaii and elsewhere, DWAYNE GOUVEIA, GREGORY TROUT and YOLANDA GUITTEREZ conspired together and with others known and unknown to the grand jury to knowingly and intentionally distribute and possess with the intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of isomers, a Schedule II controlled substance, to wit, at least 1,299 grams of methamphetamine, its salts, isomers, and salts of isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

OVERT ACTS

1. On or about October 2003, YOLANDA GUITTEREZ and GREGORY TROUT met with Gavien Daniel, not charged as a defendant herein, in the State of California.

2. On or about December 2003, YOLANDA GUITTEREZ spoke on the telephone with Gavien Daniel, not charged as a defendant herein.

3. On or about December 2003, YOLANDA GUITTEREZ accepted a Federal Express parcel.

4. On or about January 5, 2004, YOLANDA GUITTEREZ arranged for a Federal Express parcel containing 1,299 grams of methamphetamine, its salts, isomers, and salts, of isomers, i.e., "actual" methamphetamine, to be sent to Hawaii.

5. On or about January 7, 2004, DWAYNE GOUVEIA accepted receipt of a Federal Express parcel.

All in violation of Title 21, United States Code, Section 846.

SENTENCING CONSIDERATIONS

1. For the offense charged in Count 2, YOLANDA GUITTEREZ knew or it was reasonably foreseeable to YOLANDA GUITTEREZ that, in the course of the conspiracy, at least 500 grams but less than 1.5 kilograms of methamphetamine (actual) was distributed or possessed with the intent to distribute in furtherance of a jointly undertaken criminal activity.

2. For the offense charged in Count 2, GREGORY TROUT knew or it was reasonably foreseeable to GREGORY TROUT that, in the course of the conspiracy, at least 500 grams, but less than 1.5 kilograms, of methamphetamine (actual) was distributed or possessed with the intent to distribute in furtherance of a jointly undertaken criminal activity.

3. For the offense charged in Count 2, DWAYNE GOUVEIA knew or it was reasonably foreseeable to DWAYNE GOUVEIA that, in the course of the conspiracy, at least 500 grams, but less than 1.5 kilograms, of methamphetamine (actual) was distributed or possessed with the intent to distribute in furtherance of a jointly undertaken criminal activity.

DATED: AUG 17 2004, at Honolulu, Hawaii.

A TRUE BILL

/S/

FOREPERSON, GRAND JURY

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